UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA

UNITED STATES OF AMERICA,)	
v.)	No. 1:18-CR-089-TRM-CHS-01
CORDARIUS TUCKER)	

MEMORANDUM AND ORDER

CORDARIUS TUCKER, ("Defendant") appeared for a hearing on May 28, 2021, in accordance with Rules 5 and 32.1 of the Federal Rules of Criminal Procedure on the Petition for a Warrant for an Offender Under Supervision ("Petition").

Defendant was placed under oath and informed of his constitutional rights. It was determined that Defendant wished to be represented by an attorney and he qualified for appointed counsel. Attorney Gianna Maio with Federal Defender Services of Eastern Tennessee was appointed to represent Defendant. It was also determined that Defendant had been provided with and reviewed with counsel a copy of the Petition.

The Government moved that Defendant be detained without bail pending resolution of his pending Petition. Defendant waived his right to a preliminary hearing but requested a detention hearing and time to prepare for said hearing, which was scheduled to take place on June 3, 2021.

June 3, 2021 Detention Hearing

The Government called U.S. Probation Officer John Eppenger as witness to testify as to the factual allegations set forth in the Petition and related matters. During the detention hearing, both parties presented their respective evidence, proffers, and arguments, which were fully considered by the Court.

Findings

- (1) Based upon the Petition and waiver of preliminary hearing, the Court finds there is probable cause to believe Defendant has committed violations of his condition of supervised release as alleged in the Petition.
- (2) Also, as addressed in detail during the extensive detention hearing, and pursuant to Fed. R. Crim. P. 32.1(a)(6), the Court finds Defendant has not carried his burden to establish by clear and convincing evidence that he will not pose a danger to any other person or to the community if released for the reasons stated on the record.

Accordingly, it is **ORDERED** that:

- (1) Counsel for Defendant and the Government shall confer and make best efforts to submit to U.S. District Judge McDonough a proposed Agreed Order with respect to an appropriate disposition of the Petitions.
- (2) In the event counsel are unable to reach agreement with respect to an appropriate disposition of the Petitions, they shall request a hearing before U.S. District Judge McDonough.
- (3) The Government's motion that Defendant be **DETAINED WITHOUT BAIL** pending further order from this Court is **GRANTED**.

SO ORDERED.

ENTER.

s/ Susan K. Lee SUSAN K. LEE

UNITED STATES MAGISTRATE JUDGE